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REMARKS/ARGUMENTS

Claims 1 and 12 are pending in this application. By this Amendment, Applicant AMENDS claims 1 and 12.

Claims 1 and 12 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. The Examiner has alleged the user selection of the type of lens is not described in the specification. Applicant respectfully disagrees. Applicant's **Figs. 3-8** and corresponding sections of the originally filed Specification clearly support this feature. The option concerning having a doctors' prescription is referred to in the flow chart of Applicant's **Fig. 3** and **5**. The option concerning the latest vision data is referred to in Applicant's **Fig. 4**. The option concerning the vision test is referred to Applicant's **Fig. 8**. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 12 under 35 U.S.C. § 112, first paragraph.

Claims 1 and 12 were rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Claims 1 and 12 have been amended to correct the informalities noted by the Examiner. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 12 under 35 U.S.C. § 112, second paragraph.

Claims 1 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pellicano (U.S. Patent No. 6,386,707) in view of Izumitani (U.S. Patent Application Publication No. 2003/0090625). Applicant respectfully traverses the rejection of claims 1 and 12.

Claim 1 has been amended to recite:

"A network-based eyeglass lens and frame ordering and marketing
system comprising:
    a user interface unit;
    a sales and electronic service center; and
    at least one of a network and a data transmission system
connecting the user interface unit and the electronic service center;
wherein

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said sales and electronic service center comprises (1) a means for determining whether a user is registered; (2) at least one of (a) a means for extracting the user's vision data, (b) a means for determining whether the user has a doctor's prescription, (c) a means for determining whether the user is aware of the difficulty in viewing near distances, and (d) a means for determining the user's vision based on the user's age; (3) **an eyeglass lens selection means for selecting eyeglass lenses from among a plurality of eyeglass lenses in response to input from the user of one of (a) lens selection according to the latest vision data extracted from the user's vision data, (b) lens selection according to a doctor's prescription, (c) lens selection of presbyopic eyeglasses according to the user's age, and (d) lens selection according to a remote vision test;** (4) a remote vision testing means for testing vision of the user remotely over the network and/or a means for receiving/extracting data such as a doctor's prescription relating to the user's vision, age and the latest vision data; (5) a display information creating means for creating information relating to eyeglass frames in cooperation with or independently of at least one of after-mentioned frame selection means and eyeglass ordering and marketing processing means; and for transmitting the information relating to the eyeglass frames to the user interface unit; (6) an eyeglass frame selection means for selecting eyeglass frames from among a plurality of eyeglass frames in response to input from the user; and (7) an eyeglass ordering and marketing processing means for determining eyeglass frames and/or eyeglass lenses in response to a requirement of the user sent from the user interface unit, for providing the user with information about ordering, and for concluding an eyeglass purchase contract with the user;

said remote vision testing means in the sales and electronic service center transmits through a vision test information input unit an uncorrected eye vision test window to the user interface unit based on data including criteria for vision test, determines the user's uncorrected vision based on user input and transmits a corrected eye vision test window to the user interface unit based on said uncorrected vision, and determines the user's corrected vision based on user input;

said sales and electronic service center comprises a user information registration means, a frame selection information input means, a database control means, a frame information registration means, a frame image registration means, a frame selection means, an image processing means, an output means, and a WWW server;

said frame image registration means inputs frame images provided by the sales and electronic service center;

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said user information registration means registers and controls user's information including addresses, names, dates of birth, telephone numbers, eye conditions, requests for eyeglasses, data for identifying users such as user identifications (IDs), user passwords, and user codes, and a face image sent from the user interface unit;

said database control means stores and controls a user's face images input by the user information registration means and frame images input thereto;

said frame selection means is adapted to select an appropriate one of frame functional structures such as the distance between the right and left pupils, the widths from the center of the right and left pupils to the feet of the ears, the opening angles of temples determined based on the widths from the center of the right and left pupils to the feet of the ears, the distances from the feet of the ears to the tops of the corneas, the bending positions of the temples, the distances between the tops of the corneas and the foot of the nose, and the opening angles of pad bridges determined based on the distances between the tops of the corneas and the foot of the nose, frame ornamental structures, and frame images, stored by the frame information registration means, for each frame of the database control means, corresponding to frame selection criteria requested by the user and controlled by the database control means, and is adapted to create or select a frame image for displaying eyeglass frames of different types; and

said image processing means is adapted to output via an output means an eyeglass-wearing image with an eyeglass frame image, selected by said frame selection means, being combined with the face image data controlled by the database control means, and the user selects one of the lens according to the doctor's prescription, the presbyopic lens when the user's age is at least over 40 years old, the lens according to the latest vision data the sales and electronic service center or the user has, or the lens based on remote vision test over the network."
(emphasis added)

Applicant's claim 1 recites the feature of "an eyeglass lens selection means for selecting eyeglass lenses from among a plurality of eyeglass lenses in response to input from the user of one of (a) lens selection according to the latest vision data extracted from the user's vision data, (b) lens selection according to a doctor's prescription, (c) lens selection of presbyopic eyeglasses according to the user's age, and (d) lens s lection according to a remote vision test." Applicant's claim 12 recites

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features which are similar to the features recited in Applicant's claim 1, including the above emphasized features. With the improved features of claims 1 and 12, Applicant has been able to provide a system and method for allowing customers to place an order for and buy eyeglasses remotely via a network (see, for example, the second paragraph on page 2 of the originally filed Specification).

Applicant has amended claim 1 to recite the feature of "an eyeglass lens selection means for selecting eyeglass lenses from among a plurality of eyeglass lenses in response to input from the user of one of (a) lens selection according to the latest vision data extracted from the user's vision data, (b) lens selection according to a doctor's prescription, (c) lens selection of presbyopic eyeglasses according to the user's age, and (d) lens selection according to a remote vision test," and has amended claim 12 in a similar manner.

The Examiner alleged on page 4 of the outstanding Office Action that Pellicano teaches an eyeglass lens selection means in lines 6-10 of column 1. However, the portion of Pellicano relied upon by the Examiner states, "The invention relates to systems for testing vision and dispensing eyeglasses, and more specifically to an interactive system and methodology for conducting vision examinations and prescribing eyeglasses over the Internet." That is, Pellicano is only directed to eye **exams** and determining **prescriptions** for eyeglasses, **NOT** to **selecting** lenses as recited in Applicant's claims 1 and 12. Thus, Pellicano clearly fails to teach or suggest the feature of "an eyeglass lens selection means for selecting eyeglass lenses from among a plurality of eyeglass lenses in response to input from the user of one of (a) lens selection according to the latest vision data extracted from the user's vision data, (b) lens selection according to a doctor's prescription, (c) lens selection of presbyopic eyeglasses according to the user's age, and (d) lens selection according to a remote vision test" recited in Applicant's claim 1 and similarly in Applicant's claim 12.

The Examiner has relied upon Izumitani to allegedly cure various deficiencies in Pellicano. However, Izumitani teaches selecting lens based upon **shap** , **c lor**, and

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prescription in reference numbers **51, 52, 57,** and **59** in **Fig. 1, NOT** based upon one
of **latest vision data extracted from the user's vision data, a doctor's prescription,
presbyopic eyeglasses according to the user's age,** and **a remote vision test** as
recited in Applicant's claims 1 and 12. Thus, Applicant's respectfully submits that
Izumitani fails to teach or suggest the feature of "an eyeglass lens selection means for
selecting eyeglass lenses from among a plurality of eyeglass lenses in response to
input from the user of one of (a) lens selection according to the latest vision data
extracted from the user's vision data, (b) lens selection according to a doctor's
prescription, (c) lens selection of presbyopic eyeglasses according to the user's age,
and (d) lens selection according to a remote vision test" recited in Applicant's claim 1
and similarly in Applicant's claim 12.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of
the rejection of claims 1 and 12 were rejected under 35 U.S.C. 103(a) as being
unpatentable over Pellicano in view of Izumitani.

Accordingly, Applicant respectfully submits that Pellicano and Izumitani, applied
alone or in combination, fail to teach or suggest the unique combination and
arrangement of elements recited in claims 1 and 12 of the present application.

In view of the foregoing amendments and remarks, Applicant respectfully submits
that this application is in condition for allowance. Favorable consideration and prompt
allowance are solicited.

To the extent necessary, Applicant petitions the Commissioner for a ONE-month
extension of time, extending to May 12, 2004, the period for response to the Office
Action dated January 12, 2004.

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The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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